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Ausencio Alvarez Cortez

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
Plaintiff,  
vs.  
AUSENCIO ALVAREZ CORTEZ,  
ANGEL ISMAEL RAMIREZ,  
Defendants.

} Case No.: 2:20-CR-229 TLN  
} STIPULATION AND ORDER TO  
} CONTINUE STATUS CONFERENCE  
}  
} Date: December 19, 2024  
} Time: 9:30 a.m.  
} Judge: Hon. Troy L. Nunley

## STIPULATION

The United States of America through its undersigned counsel, James Conolly, Assistant United States Attorney, together with Attorney Dina Santos, counsel for Ausencio Alvarez Cortez, and Attorney Adam Pennella, Counsel for Angel Ismael Ramirez, hereby stipulate the following:

1. The Status Conference was previously set for September 19, 2024. By this stipulation, the parties now move to continue the Status Conference to December 19, 2024, at 9:30 a.m. and to exclude time between September 19, 2024 and December 19, 2024, under the Local Code T-4 (to allow defense counsel time to prepare).
2. The parties agree and stipulate, and request the Court find the following:
  - a. A continuance is requested to continue to allow the Defense to meet with the Clients, continue to review discovery, review the physical evidence in

1 possession by law enforcement, conduct investigation, and discuss a potential  
2 resolution and/or plea agreement provided by the Government. The parties are  
3 in conference to arrange an evidence view.

4 b. Counsel for the Defendant believes the failure to grant a continuance in this  
5 case would deny defense counsel reasonable time necessary for effective  
6 preparation, taking into account the exercise of due diligence.

7 c. The Government does not object to the continuance.

8 d. Based on the above-stated findings, the ends of justice served by granting the  
9 requested continuance outweigh the best interests of the public and the  
10 defendants in a speedy trial within the original date prescribed by the Speedy  
11 Trial Act.

12 e. For the purpose of computing time under the Speedy Trial Act, 18 United  
13 States Code Section 3161(h)(7)(A) within which trial must commence, the  
14 time period of September 19, 2024, and December 19, 2024, inclusive, is  
15 deemed excludable pursuant to 18 United States Code Section 3161(h)(7)(A)  
16 and (B)(iv), corresponding to Local Code T-4 because it results from a  
17 continuance granted by the Court at defendant's request on the basis of the  
18 Court's finding that the ends of justice served by taking such action outweigh  
19 the best interest of the public and the defendant in a speedy trial.

20 3. Nothing in this stipulation and order shall preclude a finding that other provisions  
21 of the Speedy Trial Act dictate that additional time periods are excludable from  
22 the period within which a trial must commence.

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1 **IT IS SO STIPULATED.**

2  
3 DATED: September 16, 2024

4 Phillip Talbert  
5 United States Attorney

6  
7 /s/ James Conolly  
8 JAMES CONOLLY  
9 Assistant U.S. Attorney

10 DATE: September 16, 2024

11  
12 /s/ Dina Santos  
13 DINA SANTOS  
14 Attorney for Ausencio Alvarez Cortez

15 DATE: September 16, 2024

16  
17 /s/ Adam Pennella  
18 ADAM PENNELLA  
19 Attorney for Angel Ismael Ramirez

20 **ORDER**

21 The Court has read and considered the Stipulation Regarding Excludable Time  
22 Period Pursuant to Speedy Trial Act, filed by the parties in this matter. The Court hereby  
23 finds that the Stipulation, which this Court incorporates by reference into this Order,  
24 demonstrates facts that provide good cause for a finding of excludable time pursuant to  
the Speedy Trial Act, 18 U.S.C. § 3161.

25 The Court further finds that: (i) the ends of justice served by the continuance  
26 outweigh the best interest of the public and defendant in a speedy trial; and (ii) failure to  
27 grant the continuance would deny defense counsel the reasonable time necessary for  
28 effective preparation, taking into account the exercise of due diligence.

29 Nothing in this Order shall preclude a finding that other provisions of the Speedy  
30 Trial Act dictate that additional time periods are excluded from the period within which  
31 trial must commence.

32 **IT IS SO ORDERED.**

33 Dated: September 17, 2024

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36 Troy L. Nunley  
37 United States District Judge